



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

August 5, 2021

**By ECF**

The Honorable Jesse M. Furman  
United States District Judge  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: *New York v. Mayorkas, et al.*, No. 20 Civ. 1127 (JMF) (S.D.N.Y.)  
*Lewis-McCoy, et al. v. Mayorkas, et al.*, No. 20 Civ. 1142 (JMF) (S.D.N.Y.)

Dear Judge Furman:

This Office represents the defendants in the above-referenced actions. We write jointly with the plaintiffs, and in accordance with the Court's July 8, 2021 order, Dkt. No. 149,<sup>1</sup> to provide the Court with an update on the parties' settlement discussions.

As the Court is aware from the status conference held on May 14, 2021, and the parties' June 14, 2021 status report, the parties have been actively engaged in discussions concerning the potential resolution of any outstanding matters in these litigations. In its July 8, 2021 order, the Court (i) required the defendants to disclose certain information in their report and related documents that had been withheld under claim of privilege, and (ii) declined to issue sanctions, on its own initiative, pursuant to its inherent powers. Dkt. No. 149. On July 22, 2021, in accordance with the Court's order, the defendants filed updated versions of their report and related documents. Since then, the parties have continued to discuss the possibility of a consensual resolution in light of the Court's rulings on defendants' privilege assertions and sanctions.

The parties agree that they would benefit from additional time to continue discussions and to formalize any agreement that may result. Accordingly, we respectfully request additional time to negotiate and propose to file a joint status letter informing the Court of our progress by September 7, 2021.

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<sup>1</sup> Docket numbers refer to the docket of *New York v. Mayorkas*, No. 20 Civ. 1127 (JMF) (S.D.N.Y.).

We thank the Court for its attention to this matter.

Respectfully submitted,

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